



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2303883

Applicant Name: Mark Travers

Address of Proposal: 5211 38th Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the unit lots. The construction of townhouses has been approved and issued under Project #2105765. Proposed parcel sizes are: A) 1,802.8 sq. ft., B) 881.1 sq. ft.; and C) 1,442.2 sq. ft.

The following approval is required:

Unit Lot Subdivision - to divide one parcel into three parcels of land.
Seattle Municipal Code (SMC) Chapter 23.24

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Vicinity and Site

The subject site is located south of Southwest Dawson Street on the west side of 38th Avenue Southwest near the center of the block and a block east from Fauntleroy Way Southwest in the West Seattle neighborhood. The existing lot area is approximately 4,126 square feet located in a Lowrise Two (L-2) residential Multi-family zone. Adjacent properties are also zoned L-2. Properties across 38th Avenue Southwest on the east side of the street and to the south are zoned Single Family (SF500). Further to the north across Southwest Dawson Street the properties are zoned Lowrise-Duplex-Triplex (LDT). The immediate vicinity is comprised primarily of single family residences and small scale multifamily structures.

The site is rectangular and has a total of approximately 4,126 square feet of lot area. City maps do not identify steep slope Environmentally Critical Areas (ECAs) on site.

Proposal Description

The applicant proposes to subdivide the subject parcel into three unit lots, each unit lot containing a dwelling unit. Vehicle access to the site is proposed from the abutting alley. A combined ingress, egress, trash enclosure and parking easement for (4) four vehicles will be provided on unit lot A. Open space would be provided adjacent to each unit.

Public Comments

Notice of the proposed project was published on July 10th, 2003. The required public comment period ended on July 23rd, 2003. One written comment was received expressing concerns regarding exterior lighting on the north side of the townhouse structure. The Seattle Land Use and Zoning Code, Section 23.45.017A requires exterior lighting to be shielded and directed away from adjacent properties. The owner of the property has complied with this requirement by shielding the exterior lighting and directing it away from adjacent properties.

ANALYSIS - SHORT SUBDIVISION

SMC Section 23.24.040 provides that the Director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Chapter 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivisions and subdivisions in environmentally critical areas.*
6. *Conformance with unit subdivision provisions.*
7. *Max the retention of trees.*

Based on information provided by the applicant, referral comments and information supplied by the Seattle Public Utilities (“SPU”), the Seattle Transportation Department (“SEATRAN”), the Seattle Fire Department (“SFD”), and Seattle City Light (“SCL”), the following findings are made by the Land Use Planner with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L2 zone. The density standard stated in SMC Section 23.45.008, which permits no more than 1 unit for each 1,200 square feet, is met for the development as a whole. The proposal conforms to development standards in all other respects. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. All unit lots would take vehicular access from the alley and share a 5 foot Utility and Pedestrian ingress and egress easement. Seattle City Light requires an Overhead and Underground Easement (Exhibit “A”) for this unit lot subdivision. The Seattle Fire Department had no comments or requirements for the proposal.

As conditioned, there would be adequate access to the lots for off-street parking, vehicles, utilities, and fire protection.

3. SPU issued Water Availability Certificate No. 2003-0675 indicating that the water supply is adequate. DCLU’s drainage reviewer reported that the drainage review was done with the construction Permit No. 731053. The drainage reviewer also stated that Easements, either “along-the-line- as constructed or through common utility easements, should be included for sidesewers. Joint maintenance and use agreements are also advised, although not required.
4. The purpose of the L2 zoning is to provide multifamily areas of low height and small bulk where units have direct access to private, landscaped yard, thereby increasing housing opportunities for families with children and others seeking ground-related housing. As conditioned below, the public interests would be served by permitting the proposed division of land, in that more housing will be provided inside the City and in that the proposed parcels would permit the multifamily housing types consistent with the intent of the zone.

5. The site is not located in an Environmentally Critical Area.
6. The following analysis pertains to unit lot subdivision criteria:

The provisions of SMC Section 23.24.045 are as follows:

- A. The provisions of this Section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing, or single family residences in Lowrise zones.*

The subject proposal would establish separate lots for the three, townhouse units, constructed under Permit No. 731053, thus falling within the purview of SMC Section 23.24.045.

- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The development as a whole, on the parent lot, meets development standards. Useable private open space meets standards.

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

The note added pursuant to Criterion F below should assure proper control of future platting actions, additions or modifications to structure(s).

- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

Approval is additionally conditioned upon proper provision of joint use and maintenance agreements for the use and maintenance of the easement areas and maintenance of common interest elements such as shared walls.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections*

A Parking Easement for (4) four vehicles is provided on lot A for all three unit lots.

- F. The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with Director of the King County Department of Records and Elections.*

Review of this site plan shows that the proposed unit lot subdivision conforms to applicable standards of SMC 23.24.045 and for townhouses in the L2 zone. To assure that future owners have constructive notice that additional development may be limited; the following statements shall be required to be included as a note on the final unit lot subdivision: "Unit lots are not separate buildable lots. Additional development on these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

7. Tree preservation and/or planting have been approved with Project 2105765 to develop the site. No additional loss of trees is anticipated due to this subdivision proposal. Therefore, this proposal maximizes the retention of trees.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide legal descriptions for the lots and the easements with the plat for recording.
2. Provide final recording forms and fee payable to King County Recorder.
3. Add the conditions of approval after recording on the face of the plat or on a separate page.
4. Add to the face of the plat map a private use and maintenance agreement for the parcels with access from the easements and for common interest elements such as shared walls. Alternately, the applicant may choose to record the private use and maintenance agreement by separate document and reference the King County recording number in the Short Plat dedication with the following language: "A private use and maintenance agreement encumbers the lots shown hereon as disclosed in that document recorded in the office of the King County Recorder under recording number _____".

5. Add statements to the face of the plat as follows: "Unit lots are not separate buildable lots. Additional development of these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
6. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. All existing structures shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.
8. Provide on the face of the plat, an easement or covenant to allow for posting of individual unit addresses in a manner visible from 38th Avenue Southwest.
9. Provide a (44") forty-four inch minimum width emergency egress easement from south yard of unit lot B to Right-of-way or to ingress, egress easement per Seattle Building Code.
10. If any fence crosses the easement it will have a maximum height of (44") forty-four inches and/or maybe provided with a gate that has a minimum width of (44") forty-four inches per Seattle Building Code.

Signature: (signature on file) Date: August 21, 2003
Joan S. Carson
Land Use Planner
Land Use Services

JSC: bg

Carson/decisions/2303883UnitLot.dec